

**102**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 3, 2004**

**E033920\*      Fred M. Powers et al. v. The Rug Barn et al.      Modification of**  
**Opinion**

No change in judgment.  
Petition for rehearing denied.  
Richli, J.  
I concur: Hollenhorst, Acting P.J.  
\*CERTIFIED FOR PARTIAL PUBLICATION

**E033681      People v. Josephine Lee Mayorga**  
**Opinion**

Judgment affirmed in part; reversed in part with directions.  
Ramirez, P.J.  
We concur: Hollenhorst, J., Gaut, J.

**E033234      Janell Aplin et al. v. City of Lake Elsinore et al.      Order**  
Submission vacated and cause resubmitted. Additional time is necessary for  
further

research and analysis of the issues of this case.  
Richli, Acting P.J.  
I concur: King, J.

**103**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 4, 2004**

Court convened at 8:30am

Panel 1

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Gaut, J.

AnnDee Smith, Deputy Clerk

**E033827      People v. Donna M. Knight**

Merits. Cause called and Patricia J. Ulibarri, Esq., argued for appellant; Arlene Sevidal, Deputy Attorney General, argued for respondent. Cause submitted.

**E033734      In re Tiffani F., a Person Coming Under the Juvenile Court Law.**  
**People v. Tiffani F.**

Merits. Cause called and John Tehranian, Esq., argued for appellant; Daniel Rogers, Deputy Attorney General, argued for respondent. Cause submitted.

**E034086      People v. William Alicea**

Merits. Cause called and M. Nehmeh, Esq., argued for appellant; David Delgado-Rucci, Deputy Attorney General, argued for respondent. Cause submitted.

**E033332      People v. Marcellus S. Butler**

Merits. Cause called and Stephen M. Lathrop, Esq., argued for appellant; David Delgado-Rucci, Deputy Attorney General, argued for respondent. Cause submitted.

**E033756      Mirium Monette v. Inland Empire Health Plan et al.**

Merits. Cause called and Gene Maurice Ramos, Esq., argued for appellant; Christopher D. Lockwood, Esq., argued for respondents. Cause submitted.

**E033173      Nsek v. Circle K Stores, Inc. et al.**

Merits. Cause called and Lloyd U. Nsek, Esq., argued for appellant; Ronald C. Specter, Esq., argued for respondents. Cause submitted.

Court recessed.

Court reconvened.

Panel 2

Present:

Hollenhorst, Acting P.J.

Richli, J.

King, J.

Elizabeth Ceballos, Deputy Clerk

**E033169      People v. Edward Guy Busted**

Merits. Cause called and Susan Lynn Ferguson, Esq., argued for appellant; Andrew S. Mestman, Deputy Attorney General, argued for respondent. Cause submitted.

**E033677      People v. Kenneth R. Williams**

Merits. Cause called and Richard Allan Levy, Esq., argued for appellant; Bradley A. Weinreb, Deputy Attorney General, argued for respondent. Cause submitted.

**E033055      People v. Tony Lee Hart**

Merits. Cause called and Mark S. Devore, Esq., argued for appellant; Bradley A. Weinreb, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Panel 2a

Present:

Hollenhorst, Acting P.J.

Richli, J.

Gaut, J.

Elizabeth Ceballos, Deputy Clerk

**E033548      John Cook et al. v. Robert Phesant et al.**

Merits. Cause called and Susan Ghormley, Esq., argued for appellants; Bruce Adelstein, Esq., argued for respondents. Cause submitted.

Court recessed.

Court reconvened.

Panel 2b

Present:

McKinster, Acting P.J.

Gaut, J.

King, J.

Elizabeth Ceballos, Deputy Clerk

**E033236      Judy Tousignant v. County of San Bernardino**

Merits. Cause called and Norman J. Watkins, Esq., argued for appellant; James M. Gilbert, Esq., argued for respondent. Cause submitted.

**E033569      Thomas McGoldrick et al. v. Regents of the Univ of CA et al.**

Merits. Cause called and George P. Andreos, Esq., argued for appellants; Richard S. Hall, Esq., argued for respondents. Cause submitted.

Court adjourned.

**Court of Appeal  
Fourth District, Division 2  
Riverside, California**

**Minutes  
May 5, 2004**

**E032363      In re Arturo S., a Person Coming Under the Juvenile Court Law.  
People v. Arturo S.**  
Petition for rehearing denied.

**107**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 6, 2004**

**E034017      People v. Gabriel Sandoval Canez**

**Opinion**

Judgment affirmed with directions.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

**E033341      People v. Armando Exparza Mercado**

**Modification of**

**Opinion**

No change in judgment.

Petition for rehearing denied.

Hollenhorst, Acting P.J.

I concur:, Gaut, J.

**E032916      People v. Rudy Adam Elias**

**Modification of**

**Opinion**

No change in judgment.

Petition for rehearing denied.

Hollenhorst, Acting P.J.

I concur:, Gaut, J.

**E034086      People v. William Alicea**

**Opinion**

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Gaut, J.

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**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 7, 2004**

**E031629      Richard Suhay v. Virginia Surety Co., Inc. et al.**  
Petition for rehearing denied.

**E033815      Saba A. Saba et al. v. California Department of Food & Agriculture et al.**

Judgment affirmed.

**Opinion**

McKinster, Acting P.J.

We concur: Gaut, J., King, J.

**E033169      People v. Edward Guy Busted**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., King, J.

**E033015      People v. Michael Orlando Conner et al.**

**Opinion**

Judgment affirmed and remanded with directions as to defendant Conner;  
affirmed

as to defendant Jenkins.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

**E033548      John Cook v. Behavioral Health Care, Inc. et al., Michael Yarbrough et al.;**

**Randy Pheasant, Jr., v. Behavioral Health Care, Inc. et al.**

**Opinio**

**n**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E035077      In re Felicity M., a Person Coming Under the Juvenile Court Law.**

**Riverside County Department of Public Social Services v. Christina**

**M.**

**Opinion**

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., King, J.



**Court of Appeal  
Fourth District, Division 2  
Riverside, California**

**Minutes  
May 10, 2004**

No Minutes for May 10, 2004.

**Court of Appeal  
Fourth District, Division 2  
Riverside, California**

**Minutes  
May 11, 2004**

**E033827      People v. Donna Michelle Knight**

**Opinion**

Judgment reversed with directions.

Gaut, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

**E033332      People v. Marcellus Samuel Butler**

**Opinion**

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

**E033355      People v. George Gary Sanchez**

**Opinion**

Judgment affirmed in part, reversed in part, and remanded with directions.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E033236      Judy Tousignant v. The County of San Bernardino**

**Opinion**

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., King, J.

**E033920\*      Fred M. Powers et al. v. The Rug Barn et al.**

**Modification of**

**Opinion**

No change in judgment.

Richli, J.

I concur: Hollenhorst, Acting P.J.

\*CERTIFIED FOR PARTIAL PUBLICATION

**E033569      Thomas McGoldrick et al. v. The Regents of the University  
of California et al.**

**Opinion**

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., King, J.

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**Court of Appeal  
Fourth District, Division 2  
Riverside, California**

**Minutes  
May 12, 2004**

**E035331 Carolina G. v. The Superior Court of the County of San Bernardino;  
San Bernardino County Department of Children's Services**

**Opinion**

**Petition denied.**

**Hollenhorst, Acting P.J.**

**We concur: McKinster, J., Gaut, J.**

**E032476 People v. Theodore R. Fields  
Appellant's petition for rehearing is denied.**

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**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 13, 2004**

**E033677      People v. Kenneth Ronzdell Williams**

**Opinion**

Judgment reversed.

Richli, J.

We concur: Hollenhorst, Acting P.J., King, J.

**E033448      Edward Babbitt, Sr. et al. v. The Superior Court of the County of  
Riverside; Joseph O. DiPuzo et al.**

**Opinion**

Petition granted in part and denied in part.

Gaut, Acting P.J.

We concur: Hollenhorst, J., McKinster, J.

**Court of Appeal  
Fourth District, Division 2  
Riverside, California**

**Minutes  
May 14, 2004**

No Minutes for May 14, 2004.

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**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 17, 2004**

**E033055      People v. Tony Lee Hart**

**Opinion**

Judgment affirmed in part and reversed in part.

King, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

**E033173      Lloyd U. Nsek, Sr. v. Circle K Stores, Inc. et al.**

**Opinion**

Judgment affirmed.

Gaut, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

**E034101      In re A.C., a Person Coming Under the Juvenile Court Law.**  
**San Bernardino County Department of Children's Services v. Aurelia**

**C.**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., King, J.

**113**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 18, 2004**

**E035452      T.A. v. The Superior Court of the County of Riverside;  
Riverside County Department of Public Social Services**

**Opinion**

Petition denied.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Richli, J.

**E034898      People v. Jack Duane Sharp**

**Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: Richli, J., Ward, J.

**E032415\*      Jaylee Titus v. Canyon Lake Property Owners Association**

**E033517\*      Jaylee Titus v. Barton Protective Services, Inc.**

**Order**

A request having been made to this Court pursuant to California Rules of Court, rule 978(a), for publication of a nonpublished opinion heretofore filed in the above-entitled matter on April 19, 2004, and it appearing that the opinion meets the standard for publication as specified in California Rules of Court, rule 976(b), IT IS ORDERED that said opinion be certified for publication pursuant to California Rules of Court, rule 976(b).

King, J.,

I concur: McKinster, Acting P.J.

\*Consolidated



**114**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 19, 2004**

**E033912        In re the Marriage of Barbara Jo and Clinton G. Lord**  
**Barbara Jo Lord v. Clinton G. Lord**

**Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., King, J.

**E035135        In re Amy W. et al., Persons Coming Under the Juvenile Court Law**  
**San Bernardino County Department of Children's Services v. Bonnie**  
**G.**

**Opinion**

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., King, J.

**E034507        People v. Luis Colon**

**Opinion**

Judgment affirmed.

Richli, Acting P.J.

We concur: Ward, J., King, J.

**E034847        In re Corina R., a Person Coming Under the Juvenile Court Law.**  
**People v. Corina R.**

**Opinion**

Judgment affirmed as modified.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

**E034157        People v. Jeffrey Roe**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

**E033669\*       People v. Karl Emil Knudson**

**Opinion**

Judgment affirmed.

**E033892\*      People v. Karl Emil Knudson**

Judgment affirmed with directions.

Ramirez, P.J.

We concur: Ward, J., King, J.

\*Consolidated for purposes of briefing, oral argument and decision.

**115**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 20, 2004**

**E034726      People v. John Moshenko**

**Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., King, J.

**E032848      Scott M. Rich v. Lawrence J. Canale**

**Opinion**

Judgment affirmed.

King, J.

I concur: Ramirez, P.J.,

I concur and dissent: Gaut, J.

**E034623      People v. Maurice Alexander Nunez**

**Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Richli, J.

**116**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 21, 2004**

**E034308      People v. Robert Lee Nelson**

**Opinion**

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., King, J.

**E035388      In re T.M. et al., Persons Coming Under the Juvenile Court Law.**  
**San Bernardino County Department of Children Services v. M.B.**

**Opinion**

Judgment affirmed.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

**E033468      People v. Jack Ross Mallory**

**Opinion**

Judgment affirmed as modified.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

**E033506      People v. Cecilia Agnes Fraher**

**Opinion**

Judgment affirmed.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

**E033849      People v. Eric Shawn Kemp**

**Opinion**

Judgment affirmed as modified with directions.

McKinster, Acting P.J.

We concur: Ward, J., King, J.

**E035329      Alberta G. v. The Superior Court of the County of San Bernardino;**  
**Department of Children's Services**  
**Opinion**

Petition denied.

Ward, J.

We concur: McKinster, Acting P.J., King, J.

**117**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 24, 2004**

**E033917      People v. James Evie Parker**

**Opinion**

Judgment affirmed.

Ward, J.

We concur: McKinster, Acting P.J., King, J.

**E033686      People v. Erik Leroy Jones**

**Opinion**

Judgment affirmed.

Hollenhorst, J.

We concur: Ramirez, P.J., Gaut, J.

**E035072      In re David T., a Person Coming Under the Juvenile Court Law**  
**Riverside County Department of Public Social Services v. Carri S.**

**Opinion**

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

**118**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 25, 2004**

**E033360      People v. Troy Doushon Jackson et al.**

**Opinion**

Judgment affirmed in part; reversed in part with directions.

Gaut, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

**E034928      People v. Transito Mendez Rivas**

**Opinion**

Judgment affirmed with directions.

Ramirez, P.J.

We concur: Ward, J., King, J.

**E033756      Mirium Monette v. Inland Empire Health Plan et al.**

**Opinion**

Judgment affirmed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Gaut, J.

**E034091      In re Julian A., a Person Coming Under the Juvenile Court Law.**  
**People v. Julian A.**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E032733      People v. Frank Xavier Rodriguez**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E033733      People v. Antonio Navarro**

**Opinion**

Judgment affirmed in part as modified and reversed in part.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

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**E033713      People v. Tyrone Eugene White**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E034093      In re Marcos C., a Person Coming Under the Juvenile Court Law.  
People v. Marcos C.**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.



**120**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 26, 2004**

**E034225      Prize Frize, Inc. v. Quixx Snaxx, Inc.**

**Opinion**

Judgment reversed.

Ramirez, P.J.

We concur: Ward, J., King, J.

**E035454      Rita T. v. The Superior Court of the County of San Bernardino;  
Department of Children's Services**

**Opinion**

Petition denied.

Gaut, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

**E034424      In re Travis H., a Person Coming Under the Juvenile Court Law.  
People v. Travis H.**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E034258      Shong-Ching Tong v. David Grossman et al.**

**Opinion**

Judgment reversed.

Richli, Acting P.J.

We concur: Ward, J., Gaut, J.

**E034838      In re Israel H., a Person Coming Under the Juvenile Court Law.  
People v. Israel H.**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E034268      People v. Tani Lynne Maine**

**Opinion**

Judgment affirmed.

Richli, J.  
We concur: Hollenhorst, Acting P.J., Gaut, J.

**E033883      City of Yucaipa v. James Reese Hill**

**Opinion**

Appeal dismissed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**121**

**E034237      People v. Fernando Quenton Stevenson**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E034401      In re the Marriage of Cindy and Dan Stratton.  
Cindy Stratton v. Dan Stratton; Thomas E. White**

**Opinion**

Judgment reversed.

King, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**122**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 27, 2004**

The Court of Appeal, Fourth Appellate District, Division Two, met in special session at 10:00 a.m., at Palm Springs High School, Palm Springs, California.

The Honorable Presiding Justice Manuel A. Ramirez addresses those present and acknowledges The Honorable Douglas P. Miller, Presiding Judge for the Riverside Courts, Palm Springs High School principal, Ricky Wright, Riverside Public Defender, Gary Windom, Assistant Public Defender, Jorge A. Alvarado, Sue Steding, Assistant District Attorney, Chief Gary Jeandron, Palm Springs Police Department, Mike McCabe, Palm Springs Unified School District Board Member, Jinny Foat, Palm Springs City Council Member, Meredy Schoenberger, Palm Springs Unified School District Board President and Joan Bioko, Palm Springs Unified School District Information Manager.

Court Convened at 10:00 am

Panel 1

Present:

Ramirez, P.J.

Ward, J.

Gaut, J.

Ann Dee Smith and Steven McElroy, Deputy Clerks

**E033529      People v. Michael Rey, Jr.**

Merits. Cause called and Richard D. Miggins, Esq., argued for appellant; Ronald A. Jakob, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:45 am

Panel 2

Present:

Hollenhorst, Acting P.J.

McKinster, J.

Gaut, J.

Ann Dee Smith and Steve McElroy, Deputy Clerks

**E033961      People v. Dale A. Miller**

Merits. Cause called and Carmela F. Simoncini, Esq., argued for appellant; Daniel Rogers, Deputy Attorney General, argued for respondent. Cause submitted.

Justices conducted a question and answer session.

Court adjourned.

**E035209      In re S.A. et al., Persons Coming Under the Juvenile Court Law.  
San Bernardino County Department of Children's Services v. L.B.**

**Opinion**

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E034799      People v. Eliseo Rios Orozco**

**Opinion**

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., King, J.

**E033332      People v. Marcellus Samuel Butler**

Petition for rehearing is denied.

**124**  
**Court of Appeal**  
**Fourth District, Division 2**  
**Riverside, California**

**Minutes**  
**May 28, 2004**

**E034624      In re Robert M., a Person Coming Under the Juvenile Court Law;**  
**People v. Robert M.**

**Opinion**

Judgment affirmed as modified.

Richli, J.

We concur: Hollenhorst, Acting P.J., Gaut, J.

**E035115      In re Y. A. et al., Persons Coming Under the Juvenile Court Law**  
**Riverside County Department of Public Social Services v. T.A.**

**Opinion**

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

**Court of Appeal  
Fourth District, Division 2  
Riverside, California**

**Minutes  
May 31, 2004**

Holiday.